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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
)  
Telecommunications Relay Services ) CC Docket No. 98-67  
and Speech-to-Speech Services for )  
Individuals with Hearing and )  
Speech Disabilities )

AT&T REPLY COMMENTS

Pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, AT&T Corp. ("AT&T") submits this reply to the comments of other parties on the Commission's NPRM in this proceeding proposing amendments to the rules governing telecommunications relay service ("TRS").<sup>1</sup>

I. THE COMMISSION SHOULD RESCIND THE PROPOSED MANDATORY PROVISION OF SPEECH-TO-SPEECH RELAY SERVICE.

AT&T showed in its Comments (pp. 3-4) that the record developed through the Commission's 1997 NOI on relay services<sup>2</sup> failed to show that there is sufficient demand for speech-to-speech ("STS") relay service to

<sup>1</sup> See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, Notice of Proposed Rulemaking, FCC 98-90, released May 20, 1998 ("NPRM"). Appendix A lists parties other than AT&T that submitted comments in response to the NPRM.

<sup>2</sup> Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, CC Docket No. 90-571, 12 FCC Rcd 1152 (1997) ("NOI").

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justify the NPRM's tentative decision to require carriers to provide STS on a nationwide basis within two years of the adoption of that requirement.<sup>3</sup>

None of the several commenters that support mandatory provision of STS has rectified this serious evidentiary deficiency. To the contrary, all of the comments confirm AT&T's showing that the current demand for STS is all but nonexistent.<sup>4</sup> For example, the Idaho Relay Service estimates (p. 1) reports that there will be fewer than 6 users of STS in that state. Both Bell Atlantic (pp. 2-3) and Maryland (p. 2) report that STS calls account for only about one tenth of one percent of the relay calls processed by that state's center. Even parties that support mandatory provision of STS candidly

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<sup>3</sup> The mere fact that the Commission found that STS is a "telecommunications relay service" under Section 225 of the Communications Act does not, in itself, support requiring carriers to offer that service. For example, the NPRM concluded (¶¶ 32-34 and 37-38) that video relay interpreting ("VRI") and multilingual relay services ("MRS") are definitionally telecommunications relay services under the statute, but declined to require carriers to provide either of those offerings.

<sup>4</sup> As AT&T's Comments (p. 4) pointed out, in Georgia (where AT&T operates the state's TRS program) STS service has been offered since April, 1998, but no customer-initiated calls were processed between June 1 and the submission of AT&T's Comments on July 20. AT&T's records also show that the Georgia relay program has not processed any customer-initiated STS calls between that date and the filing of AT&T's instant reply comments.

concede that there is little present demand for that offering.<sup>5</sup>

There is also no dispute in the record that mandatory provision of STS will be enormously costly. Not even the proponents of mandatory provision dispute this fact; for example, as ATA candidly acknowledges p. 2), "[t]he competencies of STS communication are complex and difficult to teach and test, making the assurance of quality STS services a challenge."<sup>6</sup> Similarly, SBC also points out that it is "highly problematic" whether carriers can hire to train a sufficient number of CAs qualified to provide STS. KRS notes (p. 4) that the "vast differences" in the degree of speech impairments may make it impossible for a state

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<sup>5</sup> See MCI, p. 4 ("For the immediate future STS calls will account for an extremely small proportion of TRS volumes"); California, Appendix p. 2 (admitting that even if a regional center processes STS calls from several states, "the demand for STS currently is small enough so that optimal utilization of each operator is difficult to achieve"). Bell Atlantic (p. 3) highlights these utilization problems, noting that an STS center that processes only 3 to 5 calls per day, each averaging 12 minutes in duration, will generate a total of no more than one hour of daily worktime although the TRS center must be staffed round-the-clock.

<sup>6</sup> ATA also recognizes (p. 2) that staffing to provide STS will seriously burden TRS providers who are already facing a limited labor pool of qualified CAs. See also President's Committee, pp. 6-7 (noting "importance of in-depth and comprehensive training of communications assistants" for STS).

relay program "to provide acceptable STS services at any reasonable cost."<sup>7</sup>

In view of the undisputed evidence that there is at best negligible current demand for STS service, and that mandatory provision of that offering will subject state relay programs and carriers to substantial, and entirely disproportionate, expenses, the Commission should rescind its tentative conclusion to make this service a mandatory TRS offering. The Commission should instead follow its approach with VRI and MRS offerings, and permit carriers and state programs voluntarily to offer STS while recovering those costs from the TRS Fund. As greater experience is gained with STS through this approach, the Commission can then determine whether, and if so in what manner, to provide for more widespread availability of STS.

II. CERTAIN PROPOSED CHANGES TO TRS OPERATIONAL STANDARDS SHOULD BE RESCINDED ENTIRELY.

Answer Performance Requirements

The NPRM's tentative proposals (§§ 50-51) to impose a far more stringent answer performance standard on TRS providers, and to require compliance with that standard on a daily basis, would greatly increase

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<sup>7</sup> KRS also correctly points out (p. 4) that prior to implementing any mandatory STS requirement the Commission must issue proposed rules embodying service standards and afford interested parties the

(footnote continued on following page)

providers' labor costs and interfere with their ability to deploy automated "front end" systems, as AT&T showed in its Comments (pp. 9-11). None of the commenters that actively support the changed answer performance standard even acknowledges these serious adverse impacts, which the record here in other respects resoundingly confirms.

Like AT&T, GTE (p. 10) points out that the proposed new standard "would likely require TRS providers to eliminate the use of automated systems and replace them with additional CAS trained to relay calls." GTE notes (*id.*) that this result would "substantially increase" costs for TRS providers, and that this outcome is also undesirable because such automated systems are "useful tools" in providing TRS service. Similarly, Sprint (pp. 11-12) opposes the proposed change "since it effectively eliminates use of automated agents," and states that daily compliance measurement requirement is unduly burdensome and fails to account for normal variations in traffic patterns. And even MCI, which does not oppose the more stringent answer performance requirement, acknowledges (p. 6) that "this proposed standard will increase the costs of providing relay services."

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(Footnote continued from prior page)

opportunity for comment. Neither of those steps has occurred here.

In light of these undisputed impacts, the Commission should reconsider its tentative conclusion and retain the current answer performance standard.

In-Call Replacement of CAs

None of the commenters in the initial round of the NPRM has rebutted AT&T's showings, first in the NOI and again in its Comments (p. 12 n.14), that in-call replacement of CAs occurs in more than an insubstantial proportion of TRS calls. Nor do any of the parties that support the Commission's proposed change (or even more stringent restrictions on in-call replacements) make any attempt to address the significant adverse impact on providers' ability efficiently to manage their CA workforces that AT&T and other commenters have demonstrated.

For example, SBC (p. 10) points out that the effect of the Commission's proposed prohibition against CA replacements during the first 10 minutes of a TRS call "would be to require a CA to log off from the system 10 minutes before the CA's scheduled breaks and end of tour," thus creating 40 minutes of unproductive time per employee per shift.<sup>8</sup> GTE (p. 12) similarly states that the Commission's proposed rule will interfere with rest periods to alleviate CAs' fatigue that are required under

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<sup>8</sup> Accord, KRS, p. 10.

local labor laws. Such breaks, as AT&T showed (p. 13 and n.15) are also mandated under TRS providers' collective bargaining agreements with their unionized personnel. The proposed rule thus would result in a substantial increase in the costs of providing TRS.

Because neither the Commission nor other parties supporting its tentative proposal have addressed these serious operational and legal considerations, and because in-call replacements of CAs are demonstrably infrequent, the Commission should withdraw its proposed restriction on in-call CA replacements.<sup>9</sup>

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<sup>9</sup> Although the Commission in the NPRM declined to adopt changes in minimum CA standards, such as typing speed, that had been advocated by some parties during the NOI, a number of commenters in this proceeding repeat their call for mandating increased minimum typing speed. Such a requirement would only further limit the already inadequate labor pool of potential CAs, as some parties here show. See, e.g., Ameritech, p. 8; Bell Atlantic, p. 7. In AT&T's experience, such an increase in the current mandatory minimum typing speed is also unnecessary, because CAs typically achieve speeds in excess of the minimum standard after several months on the job.

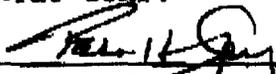
**CONCLUSION**

For the reasons stated above and in AT&T's  
Comments, the Commission should adopt amendments to its  
TRS rules with the modifications described by AT&T.

Respectfully submitted,

AT&T CORP.

By \_\_\_\_\_

  
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September 14, 1998

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CERTIFICATE OF SERVICE

I, Ann Marie Abrahamson, do hereby certify that on this 14th of September, 1998, that I caused a copy of the foregoing "AT&T Reply Comments" to be served by U.S. First Class mail, postage prepaid, on the parties listed on the attached Service List.

  
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Sept. 14, 1998

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